

TO: Greenburgh Town Supervisor
Greenburgh Town Clerk

CC: Greenburgh Town Council

ADVISORY OPINION 2015-3 – Recusal from Deliberations

Background

On April 7, 2015, the Greenburgh Board of Ethics received a communication from Supervisor Paul Feiner requesting an advisory opinion.

Mr. Feiner requested an opinion on whether Chester Watson, a member of the Greenburgh Planning Board, could participate in the deliberations of the Planning Board when it reviews the Game On sports facility application because the location of the intended facility is close to Mr. Watson's home.

The Game On application has become very controversial in the town. Approximately a year ago, Mr. Feiner contacted Mr. Watson and asked him to consider an appointment to the Planning Board. He was initially appointed as an alternate and later became a full member of the Board. Mr. Watson had previously expressed some concerns about an earlier Game On proposal.

Mr. Feiner expressed his feelings that it was important that someone from the neighborhood be part of the decision making process.

Mr. Feiner included a copy of a letter from Mr. Watson. In that letter, Mr. Watson wished to know if it was necessary for him to recuse himself from speaking on this and related matters and assured the Board of Ethics that he can be fair.

Opinion

There is no mandate that board members must recuse themselves on an issue if they are not receiving a financial benefit. Whether a member recuses her/himself will be a personal decision Section 570 (4)(l)(2) and 570-18.

BY THE GREENBURGH BOARD OF ETHICS

Adopted at the July 7, 2015, meeting

Voting for:

Ms. Friedman, Esq., Chair
Mr. Eisen
Dr. Hopkins, PhD
Dr. Sarcinella, EdD
Mr. Sganga, FACHE